

FILED IN OPEN COURT
ON 10/3/17 *HP*
Peter A. Moore, Jr., Clerk
US District Court
Eastern District of NC

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

NO. 4:17-CR-49-1H(2)
NO. 4:17-CR-49-2H(2)

UNITED STATES OF AMERICA,)

v.)

INDICTMENT

JAMES LEROY EVERETTE)

BOBBY RAY WORTHINGTON)

The Grand Jury charges that:

COUNT ONE

At all times material to this Count, the Speedway gas station, located at 3519 NC-43 North Highway, Greenville, North Carolina, was engaged in a commercial retail business in interstate commerce and was an industry which affects interstate commerce.

On or about November 18, 2016, in the Eastern District of North Carolina, JAMES LEROY EVERETTE and BOBBY RAY WORTHINGTON, defendants herein, aiding and abetting each other and others known to the Grand Jury, did unlawfully attempt to obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code,

Section 1951(b)(1), of the Speedway gas station, located at 3519 NC-43 North Highway, Greenville, North Carolina, all in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT TWO

On or about November 18, 2016, in the Eastern District of North Carolina, JAMES LEROY EVERETTE and BOBBY RAY WORTHINGTON, defendants herein, aiding and abetting each other and others known to the Grand Jury, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as alleged in Count One of the Indictment, did knowingly use and carry a firearm, and did possess said firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT THREE

At all times material to this Count, the Community Store, located at 3315 US-258 Highway, Fountain, North Carolina, was engaged in a commercial retail business in interstate commerce and was an industry which affects interstate commerce.

On or about November 19, 2016, in the Eastern District of North Carolina, JAMES LEROY EVERETTE and BOBBY RAY WORTHINGTON, defendants herein, aiding and abetting each other and others known to the Grand Jury, did unlawfully obstruct, delay, and affect,

commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of the Community Store, located at 3315 US-258 Highway, Fountain, North Carolina, all in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FOUR

On or about November 19, 2016, in the Eastern District of North Carolina, JAMES LEROY EVERETTE and BOBBY RAY WORTHINGTON, defendants herein, aiding and abetting each other and others known to the Grand Jury, during and in relation to a crime of violence for which they may be prosecuted in a court of the United States, that is, interference with commerce by robbery, in violation of Title 18, United States Code, Section 1951, as alleged in Count Three of the Indictment, did knowingly use and carry a firearm, and did possess said firearm in furtherance of said crime of violence, and said firearm was brandished, all in violation of Title 18, United States Code, Sections 924(c)(1)(A)(ii) and 2.

COUNT FIVE

At all times material to this Count, the Speedway gas station, located at 737 English Road, Rocky Mount, North Carolina, was

engaged in a commercial retail business in interstate commerce and was an industry which affects interstate commerce.

On or about November 21, 2016, in the Eastern District of North Carolina, JAMES LEROY EVERETTE, defendant herein, aiding and abetting others and others known to the Grand Jury, did unlawfully obstruct, delay, and affect, commerce, as that term is defined in Title 18, United States Code, Section 1951(b)(3), and the movement of articles and commodities in such commerce, by robbery, that is, unlawfully taking and obtaining personal property from the person and in the presence of another, against that person's will, by means of actual and threatened force, as set forth in Title 18, United States Code, Section 1951(b)(1), of the Speedway gas station, located at 737 English Road, Rocky Mount, North Carolina, all in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SIX

On or about November 22, 2016, in the Eastern District of North Carolina, the defendant, BOBBY RAY WORTHINGTON, having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, knowingly possessed, in and affecting commerce, a firearm, in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

FORFEITURE NOTICE

Upon conviction of the offenses set forth in this Indictment, the defendants shall forfeit to the United States pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any and all gross proceeds derived from the offenses.

Additionally, upon conviction of the offenses set forth this Indictment, the defendants shall forfeit to the United States pursuant to Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), any firearm or ammunition involved or used in a knowing commission of that offense, including:

(1) Smith & Wesson, M&P Body Guard, .380 caliber pistol, bearing serial number KDX8650;

(2) Smith & Wesson, M&P Shield, 9mm pistol, bearing serial number LDD8112;

(3) Smith & Wesson, M&P Shield, 9mm pistol, bearing serial number HMS0938;

(4) Ruger, model SR40, .40 caliber pistol, bearing serial number 342-28442; and

(4) Assorted 9mm, .40 caliber, and .380 caliber ammunition;

If any of the property described above, as a result of any act or omission of the defendants:

a. cannot be located upon the exercise of due diligence;
b. has been transferred or sold to, or deposited with, a third party;
c. has been placed beyond the jurisdiction of the court;
d. has been substantially diminished in value; or
e. has been commingled with other property, which cannot be divided without difficulty,
the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c).

REDACTED VERSION

Pursuant to the E-Government Act and the federal rules, the unredacted version of this document has been filed under seal.

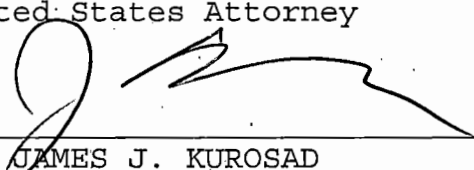
A TRUE BILL:

FOREPERSON

10/3/2017

DATE

JOHN STUART BRUCE
United States Attorney


BY: JAMES J. KUROSAD
Assistant United States Attorney
Criminal Division